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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,462	07/09/2001	Kyung-geun Lee	1293.1223	4236
21171	7590	04/06/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HUBER, PAUL W	
			ART UNIT	PAPER NUMBER
			2653	5

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,462

Applicant(s)

LEE

Examiner

Paul Huber

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14-17,19,21,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 3,12,13,18,20,22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-11, 14-17, 19, 21, 24, & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (USP-4,980,879).

Yamada et al discloses an optical recording method for an optical disc, comprising: producing a main beam and a sub beam (see figures 1A, for example); forming a main light spot 2 on the optical disc by projecting the main beam on the optical disc; forming a secondary light spot 1 on the optical disc by projecting the sub beam onto the optical disc at a predetermined distance ahead of the main light spot 2 in a track direction along which the optical disc rotates; recording a new mark and erasing an existing mark using the main light spot 2; and supporting erasing of the existing mark using the secondary light spot 1 during mark recording and/or erasing. It should be noted that when the main light beam spot 2 records information onto the optical disc it is simultaneously erasing any old information on the optical disc.

Regarding claims 2, 11, 19, & 21, the optical erasing/recording power of the main beam is less than or equal to the optical erasing power of the sub beam. See figures 2A & 2B.

Regarding claims 4, 5, 24, & 25, the main light spot 2 and the secondary light spot 1 are separated by 2 to 100 micrometers. See col. 4, lines 24-30. At least in the case when the light spots are separated by 100 micrometers, it is inherent that the predetermined distance between the main light spot 2 and the secondary light spot 1 is greater than a length of a minimum recording mark as claimed.

Regarding claims 9 & 15, see Figure 2B.

Regarding claim 10, Yamada et al teaches that for the light source one can use "a multi-laser array having two laser emitting parts. The interval of two laser spots may be properly selected." See col. 4, lines 23-25.

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Accordingly, the multi-laser array is considered the claimed "light source," and the optical system of the device which determines the interval of two laser spots on the optical disc is considered the claimed "optical branching device."

Regarding claim 17, see figure 2A.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on the PTO-892 discloses an optical recording apparatus including an erasing sub beam and a recording main beam.

Claims 3, 12, 13, 18, 20, 22 & 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.


Paul Huber
Primary Examiner
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